

## **902 KAR 30:150. Personnel qualifications.**

RELATES TO: KRS 200.650-200.676, 34 C.F.R. 303.31, 303.119, 303.121, 20 U.S.C. 1435(8), (9)

STATUTORY AUTHORITY: KRS 194A.050, 200.660

NECESSITY, FUNCTION, AND CONFORMITY: KRS 200.660 requires the Cabinet for Health and Family Services to administer all funds appropriated to implement provisions of KRS 200.650 to 200.676, to enter into contracts with service providers, and to promulgate administrative regulations. This administrative regulation establishes the provider qualifications for participation in First Steps, Kentucky's Early Intervention Program.

Section 1. Enrollment Process for Provider Participation. (1) The program shall enroll providers to carry out the early intervention services according to the provisions of KRS 200.650 to 200.676.

(2) The program shall contract only with an individual or agency who meets the qualifications established in Section 2 of this administrative regulation.

(3) The program shall reserve the right to contract or not contract with any potential provider or agency.

(4) Any provider or agency that wishes to participate as a provider in the First Steps program shall submit an application packet to the cabinet.

(a) The application packet for the individual provider shall include:

1. A copy of the provider's professional license, registration, or certificate; and
2. The Individual Provider Application (RF 6A(I)).

(b) The application packet for the agency shall include:

1. A copy of each provider's professional license, registration, or certificate; and
2. The Agency Application (RF 6A(A)).

(c) All potential providers shall:

1. Have a background check performed by the Administrative Office of the Courts, the Division of Protection and Permanency, and the Sex Offender Registry, with those agencies submitting the results of each background check directly to the cabinet;

2. Agree to provide service within the individual's or agency's scope of practice and in accordance with state and federal regulations and laws relating to First Steps; and

3. Be enrolled as a participating provider prior to being eligible to receive reimbursement in accordance with federal and state laws.

(5) The application shall not be considered complete and shall not be processed until all information and any subsequent documentation requested by the program is provided.

(6) Upon receipt of an approved application packet, the applicant shall be notified of their eligibility to complete orientation training.

(7) After successful completion of orientation training, the Service Provider Agreement shall be executed and the provider shall be issued a contract number that shall be used by the provider solely for identification purposes.

(8) A provider's participation shall begin and end on the dates specified in the executed Service Provider Agreement.

(9) If an agency is the enrolled provider, the agency shall be responsible for ensuring that all staff from that agency providing First Steps services meet the First Steps personnel qualifications.

(10) Provider enrollment shall be renewed every even-numbered year.

(a) An individual wishing to renew the Service Provider Agreement shall submit:

1. The Individual Provider Application (Renewal) (RF 6B);

2. A copy of their current licensure for their discipline;
3. A signed Service Provider Agreement;
4. A notarized Required Affidavit for Bidders, Offerors, and Contractors;
5. A signed First Steps Provider Code of Ethical Conduct;
6. A completed First Steps Record of Provider Signature (RF-23);
7. A Service Catchment Area;
8. A copy of current professional liability insurance;
9. Authorization for Electronic Deposit of Vendor Payment (Form SAS63);
10. Request for Taxpayer Identification Number and Certification (W-9); and
11. Documentation of completion of required trainings as outlined in the expiring Service Provider Agreement.

(b) An agency wishing to renew the Service Provider Agreement shall submit:

1. The Agency Application (Renewal) (RF 6B(A));
2. A copy of the current licensure for all service providers listed on the agency application;
3. A Service Provider Agreement signed by the agency administrator;
4. A notarized Multi-provider affidavit;
5. A signed First Steps Provider Code of Ethical Conduct for all service providers listed on the agency application;
6. A completed First Steps Record of Provider Signature (RF-23) for all service providers listed on the agency application;
7. A Service Catchment Area for all service providers listed on the agency application;
8. A copy of current professional liability insurance for the agency;
9. Authorization for Electronic Deposit of Vendor Payment (Form SAS63);
10. Request for Taxpayer Identification Number and Certification (W-9); and
11. Documentation of completion of required trainings as outlined in the expiring Service Provider Agreement for all agency staff listed on the service provider agreement.

(11) If a provider agency is enrolling to provide group services, the agency shall submit:

(a) A copy of a valid child care licensure that meets the requirements stated in 922 KAR 2:090; or

(b) Approval as a contractor for group instruction through the Kentucky Department of Education.

Section 2. Personnel Qualifications. (1) Minimum qualifications for professionals or disciplines providing services in First Steps shall be as established in this subsection.

(a) An audiologist shall have:

1. A master's degree; and
2. A license from the Kentucky Board of Speech-Language Pathology and Audiology.

(b) A licensed marriage and family therapist shall have:

1. A master's degree; and
2. A license from the Kentucky Board of Licensure of Marriage and Family Therapists.

(c) A developmental interventionist shall have:

1. A bachelor's degree; and
2. An interdisciplinary early childhood education (IECE) certificate, a probationary or emergency IECE certificate, or a valid statement of eligibility for IECE certification issued by the Kentucky Educational Professional Standards Board, Division of Certification.

(d) A nurse shall have:

1. An associate degree or diploma from a registered program; and
2. A license from the Kentucky Board of Nursing.

(e) A dietitian shall have:

1. A bachelor's degree; and
2. A license from the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists.

(f) An occupational therapist shall have:

1. A bachelor's degree; and
2. A license from the Kentucky Board of Licensure for Occupational Therapy.

(g) An orientation and mobility (O and M) specialist shall have a bachelor's degree in Special Education with emphasis on visual impairment and O and M, in accordance with the Division of Exceptional Children Services, Kentucky Department of Education.

(h) A physician shall have:

1. A doctor of medicine degree or doctor of osteopathy degree; and
2. A license from the Kentucky Board of Medical Licensure.

(i) A physical therapist shall have:

1. A bachelor's degree; and
2. A license from the Kentucky Board of Physical Therapy.

(j) A licensed psychologist shall have:

1. A doctoral degree; and
2. A license from the Kentucky Board of Examiners of Psychology.

(k)1. A certified psychologist with autonomous functioning, a licensed psychological practitioner, a certified psychologist or licensed psychological associate shall have:

- a. A master's degree; and
- b. A license or a certificate from the Kentucky Board of Examiners of Psychology.

2. A licensed psychological associate shall be under the supervision of an actively enrolled First Steps psychologist.

(l) A social worker shall have:

1. A bachelor's degree; and
2. A license from the Kentucky Board of Social Work.

(m) A speech-language pathologist shall have:

1. A master's degree; and
- 2.a. A license from the Kentucky Board of Speech-Language Pathology and Audiology; or
- b. An interim license from the Kentucky Board of Speech-Language Pathology and Audiology and be under the supervision of a currently enrolled First Steps speech-language pathologist.

(n) A teacher of children who are deaf and hard of hearing shall have:

1. A bachelor's degree; and
2. A certificate for teaching the hearing impaired, or a certificate for teaching the hearing impaired with sign language proficiency, grades P-12, issued by the Kentucky Education Professional Standards Board, Division of Certification.

(o) A teacher of the visually impaired shall have:

1. A bachelor's degree; and
2. A certificate for teaching the visually impaired, grades P-12, issued by the Kentucky Education Professional Standards Board, Division of Certification.

(p) A licensed professional clinical counselor shall have:

1. A master's degree; and
2. A license from the Kentucky Board of Licensed Professional Counselors.

(q) An optometrist shall have:

1. A degree from an accredited school or college of optometry; and
2. A license from the Kentucky Board of Optometric Examiners.

(r) An ophthalmologist shall have:

1. A doctor of medicine degree or doctor of osteopathy degree;
2. A license from the Kentucky Board of Medical Licensure; and
3. Certification from the American Board of Ophthalmology.

(2) The minimum qualification for paraprofessionals providing services in First Steps shall be as established in this subsection.

(a) An occupational therapy assistant shall have:

1. An associate's degree in occupational therapy; and
2. A license from the Kentucky Board of Licensure for Occupational Therapy.

(b) A physical therapist's assistant shall have:

1. An associate degree in physical therapy assistance; and
2. A license from the Kentucky Board of Physical Therapy.

(c) Paraprofessionals shall be under the supervision of a currently enrolled First Steps provider of that discipline as required by the professional's licensing board practice act.

(3) The minimum qualifications for recognized service positions providing services in First Steps shall be as established in this subsection.

(a) A Point of Entry manager shall:

1. Be employed by the Point of Entry;
2. Meet the minimum highest entry-level requirement for one (1) of the professions identified in subsection (1)(b), (c), (d), (f), (i), (j), (l), (m), or (p) of this section;
3. Have four (4) years of professional experience in an early childhood education capacity or community health agency that serves families with children birth through five (5) years of age in a position in which the following skills and competencies have been demonstrated:
  - a. Strong interpersonal communication skills, both written and verbal;
  - b. Ability to create and maintain accurate reports;
  - c. Ability to handle multiple tasks concurrently, meet deadlines, work independently, and exercise good judgment; and
  - d. Establish collaboration and leadership while working with families and service providers; and
4. Demonstrate progressive responsibility in a supervisory or management capacity in a community or public health organization for two (2) years of the experience.

(b) A service coordinator shall:

1. Be employed by the Point of Entry;
2. Meet the minimum highest entry-level requirement for one (1) of the professions identified in subsection (1)(a)-(r) of this section; or
3. Have a bachelor's degree and the equivalency of two (2) years' experience in working with young children ages birth through five (5) years, or have a bachelor's degree and two (2) years' experience working with families with young children ages birth through five (5) years, in a position in which the following skills and competencies have been demonstrated:
  - a. Communication skills in interviewing, negotiating and mediating, and providing informal support;
  - b. Problem-solving by finding and utilizing services and resources, resolving conflicts, integrating services using formal and informal channels, and enabling families to use problem-solving;
  - c. Organization by maintaining accurate data collection and resource information, exhibiting flexibility in scheduling, and developing plans; and
  - d. Collaboration and leadership through developing relationships with families, enabling families to develop their decision-making skills, and establishing collaborative relationships with service providers.

(c) A District Child Evaluation Specialist shall:

1. Be employed by the Point of Entry to conduct screening, evaluations and assessments, and provide consultation to service coordinators and initial evaluators;
2. Meet the minimum highest entry-level requirements for one (1) of the professions identified in subsection (1)(a)-(r) of this section;
3. Have two (2) years' experience working directly with young children birth through two (2) years of age, including children with disabilities or atypical development;
4. Have one (1) year of experience in using standardized instruments and procedures to evaluate infants and toddlers birth through two (2) years of age, completed as part of formal training or in supervised practice; and
5. Be approved by the cabinet in accordance with KRS 200.666(1).

(d) An initial evaluator shall:

1. Meet the minimum highest entry-level requirements for one (1) of the professions delineated in this administrative regulation;
2. Have two (2) years' experience working directly with young children birth through two (2) years of age, including children with disabilities or atypical development;
3. Have one (1) year of experience in using standardized instruments and procedures to evaluate infants and toddlers birth through two (2) years of age, completed as part of formal training or in supervised practice; and
4. Be approved by the cabinet in accordance with KRS 200.666(1).

(e) An intensive level evaluation team shall be approved by the Part C Coordinator and shall include:

1. a. A board certified medical professional with expertise in early childhood development;
- b. A board certified developmental pediatrician;
- c. A pediatrician who has training and experience in the area of early childhood development;
- d. A board certified pediatric psychiatrist; or
- e. A board certified pediatric neurologist; and
2. One (1) or more developmental professionals identified in subsection (1)(a)-(r) of this section.

(f) An approved neonatal follow-up program team shall be a university-based program that has:

1. Submitted to the cabinet the credentials and documentation of experience in conducting assessments for the birth to three (3) age population for each proposed team member; and
2. Contracted with the cabinet to conduct neuro-developmental follow-up of high risk infants.

(g) An assistive technology specialist shall:

1. a. (i) Meet the minimum highest entry-level requirements for one (1) of the professions delineated in this administrative regulation; and
- (ii) Have extensive knowledge, training, and experience in the field of assistive technologies for infants and toddlers with disabilities; or
- b. (i) Meet the qualifications established in clause a. (ii) of this paragraph; and
- (ii) Be employed by an agency that currently provides assistive technology service in First Steps; and
2. Be approved by the cabinet in accordance with KRS 200.666(1).

(h) To be an approved assistive technology review team, an assistive technology center shall:

1. Submit to the cabinet the credentials and documentation of experience in providing services to the birth to three (3) age population for each proposed team member; and
2. Contract with the cabinet to conduct reviews of requests for assistive technology devices in accordance with 902 KAR 30:130, Section 4.

- (i) A respite provider shall:
  - 1. Meet all license, administrative regulations, and other requirements applicable to the setting in which respite is provided; and
  - 2. Be approved by the individualized family service planning team.
- (j) A sign language and cued language specialist shall:
  - 1. Meet the qualifications established in 201 KAR 39:030, Section 1(3)(c); and
  - 2. Be approved by the cabinet in accordance with KRS 200.666(1).

Section 3. Field Experiences - Intervention services implemented by a student. (1) With family consent, a student may provide early intervention services under the direct one-to-one supervision of a provider qualified in accordance with Sections 1 and 2 of this administrative regulation.

(2) A student who provides early intervention services shall complete and sign staff notes for each session in which the student facilitates or provides intervention.

(3) The approved First Steps provider shall also include a staff note for each session involving a student.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Form 6A(I), Individual Provider Application (New)", 2014-2016 edition;
- (b) "Form 6A(A) Agency Application (New)", 2014-2016 edition;
- (c) "Form 6B(I) Individual Provider Application (Renewal)", 2014-2016 edition;
- (d) "Form 6B(A) Agency Application (Renewal)", November 2013 edition;
- (e) "First Steps Provider Code of Ethical Conduct", October 2013 edition;
- (f) "Form 5A, Service Provider Agreement", FY 2014-2016;
- (g) "Required Affidavit for Bidders, Offerors, and Contractors", November 2009;
- (h) "First Steps Record of Provider Signature (RF-23)", August 2008 edition;
- (i) "Service Catchment Area", (RF 6 Attachment), 2014-2016;
- (j) "Authorization for Electronic Deposit of Vendor Payment", (Form SAS63), July 2006 edition; and
- (k) "Request for Taxpayer Identification Number and Certification", (W-9), January 2002 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 3142; Am. 3860; eff. 6-16-1997; Recodified from 908 KAR 2:150, 10-25-2001; 31 Ky.R. 499; 1280; eff. 1-19-2005; Recodified from 911 KAR 2:150, 5-17-2010; 37 Ky.R. 532; 1272; 1677; eff. 2-4-2011; 39 Ky.R. 2419; eff. 10-16-2013; 40 Ky.R. 2883; 41 Ky.R. 509; 793; eff. 10-15-2014.)